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Paper No. 6

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

In re Application of :
William Michael Bondy, Wesley Stuart Jones, :
Shmuel Silverman, Bruce Martin Wiatrak, :
Raymond M. Liss, Timothy L. Moran, Howard :
Nodell, and Robert Gerald Hug :
Application No. 09/827,224 :
Filed: April 5, 2001 :
Attorney Docket No. CE08166R :
Title: COMMUNICATION NETWORK :
WITH A COLLECTION GATEWAY AND :
METHOD FOR PROVIDING :
SURVEILLANCE SERVICES :

COPY MAILED

FEB 13 2002

OFFICE OF PETITIONS

**DECISION REFUSING STATUS
UNDER 37 C.F.R. §1.47(a)**

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed August 20, 2001.

The petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

¹ A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that diligent efforts have been made to locate the non-signing inventor
- (5) a declaration which complies with 37 CFR §1.63.

The above-identified application was filed on April 5, 2001, identifying William Michael Bondy, Wesley Stuart Jones, Shmuel Silverman, Bruce Martin Wiatrak, Raymond M. Liss, Timothy L. Moran, Howard Nodell, and Robert Gerald Hug as joint-inventors. On May 14, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with §1.63² and a surcharge for This Notice set a two-month period for reply.

In reply, applicant filed the instant petition (and fee)³, and a declaration of Karen Kass (an administrative assistant in the law department of the purported assignee). To make timely this reply, a two-month extension of time was charged to counsel's Deposit Account, as authorized.

The declaration of Ms. Kass sets forth that on July 19, 2001, she mailed a complete copy of the application, drawings, declaration with power of attorney, and the assignment documents to the last known address of the non-signing inventor. On July 23, 2001, a Federal Express agent telephoned her to inform her that delivery was unsuccessfully attempted on July 20, 2001 and July 23, 2001. The Federal Express agent further informed the declarant that the resident at the house identified herself as the wife of the non-signing inventor, and stated that she was unaware of his whereabouts.

Rule 47 applicant has met requirements (1), (2), (3), and (4) above.

Regarding the fifth requirement, Petitioner has failed to submit a declaration which complies with 37 CFR §1.63. The declaration has numerous un-initialed changes, several inventors are crossed out, and the declaration does not correctly list the order of inventors⁴. As such, it is not possible to determine from the declaration who the actual inventors are. A clean copy of the declaration will be required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Commissioner for Patents Box DAC Washington, D.C. 20231
By FAX:	(703) 308-6916 Attn: Office of Petitions
By hand:	Crystal Plaza Four, Suite 3C23 2201 S. Clark Place Arlington, VA

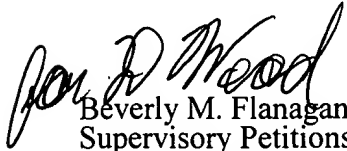
² The oath or declaration was not signed by inventor Moran.

³ The petitioner has failed to include the surcharge associated with the late filing of an oath or declaration. This fee of \$65.00 has been charged to petitioner's Deposit Account, as authorized in the petition.

⁴ For example, Cormer and Hug are both listed as the eighth inventor, Nodell, Silverman, Wiatrak, and Moran are all designated as the third inventor).

In re COMMUNICATION NETWORK WITH A
COLLECTION GATEWAY AND METHOD
FOR PROVIDING SURVEILLANCE SERVICES

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul
Shanoski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy